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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Kazuo Hiraguchi

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09/21/2005

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EXAMINER

RENNER, CRAIG A

ART UNIT

PAPER NUMBER

2652

DATE MAILED: 09/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/851,991

Applicant(s)

HIRAGUCHI ET AL.

Examiner

Craig A. Renner

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 March 2005 & 21 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-31 and 33-43 is/are pending in the application.
- 4a) Of the above claim(s) 1 and 3-31 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2,32-41 and 43 is/are rejected.
- 7) ☒ Claim(s) 42 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Election/Restrictions*

1. Claims 26-31 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to one or more non-elected inventions/species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 27 May 2003.
2. Claims 1 and 3-25 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to one or more non-elected inventions/species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 30 June 2003.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 2, 34, and 35 are rejected under 35 U.S.C. 102(e) as being anticipated by Rae et al. (US 6,674,599).

With respect to claims 2 and 34, Rae teaches a recording medium cartridge (200) comprising a noncontact-type memory (300) having an IC section (410 and 413) for storing information and performing signal processing, and an antenna section (417) for performing data transmission by transmitting and receiving signals, data being read from and written to the noncontact-type memory in a noncontact manner (lines 18-20 in column 8, for instance); and an accommodation portion (adjacent 300, as shown in Fig. 3, for instance) formed inside the recording medium cartridge which accommodates the noncontact-type memory at least partially, and which includes a first portion corresponding to the noncontact-type memory (as shown in Fig. 3, for instance) and a second portion in the vicinity of the noncontact-type memory (as shown in Fig. 3, for instance); wherein the accommodation portion is recessed one step relative to a surrounding portion (as shown in Fig. 3, for instance), wherein the first portion comprises at least one projection (i.e., an outer wall of lower cartridge shell, for instance, projects from a base of the lower cartridge shell to form a projection) for retaining the noncontact-type memory (as shown in Fig. 3, for instance), wherein the at least one projection extends from one of a first movement prevention rib (i.e., an inner tape-reel-area-defining rib, for instance, as shown in top-view Fig. 3, for instance) and a second movement prevention rib (i.e., an outer tape-reel-area-defining rib, for instance, as shown in top-view Fig. 3, for instance, from which the at least one projection extends, as shown in top-view Fig. 3, for instance), and wherein the first and second movement

prevention ribs are formed discrete (i.e., individually distinct) from side wall portions of the recording medium cartridge (as shown in top-view Fig. 3, for instance) [as per claim 2]; and wherein the accommodation portion is triangular in shape (as shown in top-view Fig. 3, for instance) [as per claim 34].

With respect to claim 35, Rae teaches a recording medium cartridge (200) comprising a noncontact-type memory (300) having an IC section (410 and 413) for storing information and performing signal processing, and an antenna section (417) for performing data transmission by transmitting and receiving signals, data being read from and written to the noncontact-type memory in a noncontact manner (lines 18-20 in column 8, for instance); and an accommodation portion (adjacent 300, as shown in Fig. 3, for instance) formed by a tape movement prevention rib (i.e., outer tape-reel-area-defining rib, as shown in top-view Fig. 3, for instance, prevents unwound tape movement radially outside of rib), wherein the accommodation portion comprises at least one projection (i.e., an outer wall of lower cartridge shell, for instance, projects from a base of the lower cartridge shell to form a projection) extending from the tape movement prevention rib (as shown in top-view Fig. 3, for instance), where the tape movement prevention rib and the at least one projection are configured to retain the noncontact-type memory (as shown in top-view Fig. 3, for instance), wherein the tape movement prevention rib is disposed between the noncontact-type memory and a recording medium (lines 64-65 in column 7, for instance, i.e., located in tape reel area, as shown in top-view Fig. 3, for instance) in the recording medium cartridge (as shown in top-view Fig. 3, for instance), and wherein the tape movement prevention rib is

formed discrete (i.e., individually distinct) from side wall portions of the recording medium cartridge (as shown in top-view Fig. 3, for instance).

5. Claims 2, 33, 36-41, and 43 are rejected under 35 U.S.C. 102(e) as being anticipated by Kano et al. (US 6,667,846).

With respect to claims 2, 33 and 43, Kano teaches a recording medium cartridge (1) comprising a noncontact-type memory (200) having an IC section (205) for storing information and performing signal processing, and an antenna section (202 and 206) for performing data transmission by transmitting and receiving signals, data being read from and written to the noncontact-type memory in a noncontact manner (lines 38-41 in column 14, for instance); and an accommodation portion (adjacent 300, as shown in FIG. 12A, for instance) formed inside the recording medium cartridge which accommodates the noncontact-type memory at least partially, and which includes a first portion corresponding to the noncontact-type memory (as shown in FIG. 12A, for instance) and a second portion in the vicinity of the noncontact-type memory (as shown in FIG. 12A, for instance); wherein the accommodation portion is recessed one step relative to a surrounding portion (as shown in FIG. 12A, for instance), wherein the first portion comprises at least one projection (as shown in FIG. 12A, for instance, i.e., pointed projection formed above left-most groove 301, for instance) for retaining the noncontact-type memory (as shown in FIG. 12A, for instance), wherein the at least one projection extends from one of a first movement prevention rib (i.e., left-most portion of 302) and a second movement prevention rib (i.e., right-most portion of 302), and

wherein the first and second movement prevention ribs are formed discrete (i.e., individually distinct) from side wall portions of the recording medium cartridge (as shown in FIG. 12A, for instance) [as per claim 2]; wherein the second portion comprises an area where the first and second movement prevention ribs contact each other (as shown in FIG. 12A, for instance), such that the noncontact-type memory is disposed between the first and second portions (as shown in FIG. 12A, for instance) [as per claim 33]; and wherein the noncontact-type memory contacts both of the first and second movement prevention ribs (as shown in FIG. 12A, for instance) [as per claim 43].

With respect to claims 36-41, Kano teaches a recording medium cartridge (1) which accommodates a magnetic tape (5) wound around each of first and second winding hubs (6A and 6B), comprising first and second tape movement prevention ribs (i.e., to the left and right of 302 as shown in FIG. 12A, for instance) formed inside the recording medium cartridge, which prevent windings of the magnetic tape wound around the first and second winding hubs from moving freely, respectively; a noncontact-type memory (200) having an IC section (205) for storing information and performing signal processing, and an antenna section (202 and 206) for performing data transmission by transmitting and receiving signals, data being read from and written to the noncontact-type memory in a noncontact manner (lines 38-41 in column 14, for instance); and an accommodation portion (adjacent 300, as shown in FIG. 12A, for instance) formed by the first and second tape movement prevention ribs (as shown in FIG. 12A, for instance), inside the recording medium cartridge, to retain the noncontact-type memory (as shown in FIG. 12A, for instance), wherein the first and second tape

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movement prevention ribs are formed in a curved shape between the first and second winding hubs so as to approach each other and conform to a circumferential surface of each of the windings of the magnetic tape having a maximum diameter (as shown in FIG. 12A, for instance), and wherein the accommodation portion is formed in an approaching area where the first and second movement prevention ribs approach each other (as shown in FIG. 12A, for instance) [as per claim 36]; wherein the accommodation portion comprises one set of projections (as shown in FIG. 12A, for instance, i.e., each pointed projection formed above each groove 301, for instance,) formed on the first and second movement prevention ribs, respectively, to retain the noncontact-type memory (as shown in FIG. 12A, for instance) [as per claim 37]; wherein the one set of projections extend opposite to each other from the first and second movement prevention ribs (as shown in FIG. 12A, for instance) [as per claim 38]; wherein the accommodation portion comprises a triangular area which is configured by the first and second movement prevention ribs contacting each other, and the one set of projections (as shown in FIG. 12A, for instance) [as per claim 39]; wherein the approaching area in which the accommodation portion is formed is an area where a gap between the first and second movement prevention ribs is equal to or slightly longer than an accommodation length of the noncontact-type memory (as shown in FIG. 12A, for instance) [as per claim 40]; and wherein the first and second movement prevention ribs contact each other (as shown in FIG. 12A, for instance) [as per claim 41].



***Allowable Subject Matter***

6. Claim 42 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

7. Applicant's arguments filed 28 March 2005 have been fully considered but they are not persuasive.

The applicant argues that Rae does not teach "that the first and second movement prevention ribs are formed discrete from side wall portions of the recording medium cartridge." This argument, however, is not found to be persuasive as Rae does teach first (i.e., an inner tape-reel-area-defining rib, for instance, as shown in top-view Fig. 3, for instance) and second (i.e., an outer tape-reel-area-defining rib, for instance, as shown in top-view Fig. 3, for instance) movement prevention ribs formed discrete (i.e., individually distinct) from side wall portions (as shown in top-view Fig. 3, for instance) of a recording medium cartridge (200). Note that the term "discrete" does not necessarily mean physically separated, but may be broadly construed to mean merely individually distinct.

The applicant further contends that "Kano simply does not disclose, *inter alia*, 'at least one projection [that] extends from one of a first and a second movement prevention ribs' as recited in claim 2." This argument, however, is not found to be persuasive for the following: Firstly, independent claim 36, for instance, does not call

for “at least one projection [that] extends from one of a first and a second movement prevention ribs.” See 37 C.F.R. § 1.111(b). Nevertheless, with respect to at least independent claim 2, Kano does teach at least one projection (as shown in FIG. 12A, for instance, i.e., pointed projection formed above left-most groove 301, for instance) that extends from one of first (i.e., left-most rib of 302, for instance) and second (i.e., right-most rib of 302, for instance) movement prevention ribs (i.e., left-most rib of 302, for instance).

The applicant lastly asserts that “Kano fails to teach or suggest a recording medium cartridge wherein first and second movement projection ribs are formed discrete from side wall portions of the recording medium cartridge.” This argument, however, is not found to be persuasive for the following: Firstly, independent claim 36, for instance, does not call for “wherein first and second movement projection ribs are formed discrete from side wall portions of the recording medium cartridge.” See 37 C.F.R. § 1.111(b). Nevertheless, with respect to at least independent claim 2, Kano does teach first (i.e., left-most rib of 302, for instance) and second (i.e., right-most rib of 302, for instance) movement projection ribs formed discrete (i.e., individually distinct) from side wall portions of a recording medium cartridge (as shown in FIG. 12A, for instance). Note that the term “discrete” does not necessarily mean physically separated, but may be broadly construed to mean merely individually distinct.

***Conclusion***

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Craig A. Renner whose telephone number is (571) 272-7580. The examiner can normally be reached on Tuesday-Friday 9:00 AM - 7:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hoa T. Nguyen can be reached on (571) 272-7579. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Craig A. Renner  
Primary Examiner  
Art Unit 2652

CAR